

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

FEB 20 2009

JOHN F. GUTHRIE, CLERK
BY:
DENNIS CLEARY

UNITED STATES OF AMERICA,) Criminal Action No. 1:04-cr-00067-1
)
)
)
v.) 2255 ORDER
)
)
CECIL E. WAMPLER, JR.,) By: Hon. James C. Turk
Defendant.) Senior United States District Judge

In accordance with the written memorandum opinion entered this day, it is hereby

ORDERED

that the defendant's motion to withdraw guilty plea (docket #141) is **CONSTRUED** as a motion to vacate, set aside, or correct sentence, pursuant to 28 U.S.C. § 2255; the Clerk **DOCKET** the defendant's motion to withdraw guilty plea as a § 2255 motion; the defendant's § 2255 motion is **DISMISSED** as successive; and the case is **STRICKEN** from the active docket of the court.

The Clerk is directed to send copies of this order and the accompanying memorandum opinion to the defendant and counsel of record for the United States.

ENTER: This 19th day of February, 2009.



James C. Turk
Senior United States District Judge

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